App. F. IX-4

Previous References 193 b. (Nuzvid)

File No. 197-36

Serial Nos. 1—2

Letter References.

GENERAL AND REVENUE SECRETARIAT.

Serial Nos.

Part B for March 193 7

SUBJECT.

WD 0418—GPB—22,500—23-8-36

No. D.

PUBLIC WORKS SECRETARIAT.

Mg 1:1 36

Subject:- Recovery of loss in connection with the advance given for constructing car of Sri Kalasa Malaswami temple at Kalasa.

Submitted to the Dewan of Mysore

2. In their order No. 1447-9/Mis.15[illegible] 3 dated 2nd/4th May, 1935, Government have ordered that a moiety of the loss sustained by the Kalasa temple in the preparation of the car, should be made good by the local officers of the Public Works Department, who are responsible for the loss and that the Chief Engineer should allocate the amount among them. The amount that should be so recovered is Rs.653/-.

3. In the same order Government have observed (1) that the Public Works Department is entirely responsible for advancing money without taking proper precaution - (2) that the local higher officers and subordinates never took a serious view of the matter and did not take pains to safeguard the interests of the Government.

4. A precis of the whole case, from start to finish, has been prepared and submitted by the Superintending Engineer Mysore Circle and is herewith enclosed. It will be seen therefrom that at the time of Rs.2,000/- was paid to the [illegible]

peculiar circumstances. When tenders -- were called for in November 1924, only one firm that of Messrs.Chiragur Lakshmian & Sons responded. The work having been -- entrusted to them,the firm demanded an -- advance of Rs.2,000/- in July 1925. This was firmly refused by tne Executive ----- Engineer unless the firm were prepared to furnish proper security for the amount. The Chief Engineer, in his No.4782 dated 24th October 1925, informed the Executive Engineer definitely that "no money advance without proper security could be given". By November 1925, the firm presented a - bill for Rs.1,575-3-0 for the purcnase of logs for the construction of the car. The firm represented their inability to proceed further in its construction unless an advance of Rs.2,000/- was granted.

5. It was, in these circumstances, that the Chief Engineer ordered an advance of Rs.2,000/- being granted on the personal security of the firm and after getting a mutchalika from them as indicated in the Government Order No.367/Muz.55-24-2 dated 5th September 1924.

A stamped mutchalika having been - taken from the firm on 8th February 1926, full pressure was brought to bear on the firm for the completion of the work as -- per the terms of the agreement. It is - seen that the proprietor suffered from -- family calamities in the middle of 1926 - and wanted extension of time till January 1927 for the completion of the work.

Continuation sheet.

Excepting the wheels and the top portion, the other portions of the car had been - completed by May 1927.

6. It may be stated here, that the -- headquarters of the firm was Bangalore - and the work was being done here and the ---- officer responsible for the work was the Executive Engineer, Kadur Division. The latter officer had been requesting the - Executive Engineer, Bangalore Division - quite often to inspect the work and to - urge the firm to complete the work within the shortest time possible.

7. The Executive Engineer, Bangalore Division took timely action to gauge the progress of work done and to keep the -- Executive Engineer, Kadur Division - - - informed of the same.

8. The firm had evidently got heavily indebted and were unable to proceed with the work due to the absence of capital - and the Department were unwilling to pay further advance in spite of the recommendation of the Assistant Engineer, - - - Bangalore, who thought that an amount of Rs.1,000/- might be given in two instalments to enable the early completion of the work as the amount so advanced would be covered by the cost of actual work -- done.

9. By this time the creditors of the firm had proceeded against them for the recovery of the amounts due and the late developments are well known and will be

evident from the note of the Superintending Engineer.

10. It would be evident from the above - that the Public Works Officers from the --- beginning were actuated with the best of -- motives and were never slack in the discharge of duties.

11. There was no ~~responsi~~ Possibility of - - - obtaining any tangible security from the -- firm. There was no other firm also - - -- willing to take up the work and the firm -- was also one that had done a number of ---- works for the Muzrai Department and enjoyed the confidence of the Department. The --- circumstances under which the work could -- not be proceeded with were certainly beyond the control of the proprietor and the - --- Department. As for the remark that the -- valuation was differently made at different times it has to be stated, that the work was in various stages of progress and there was no possibility of exact valuation of the -- work done in the intermediate stages.

12. The total amount advanced to the --- firm was Rs.2,000/- only and it was the --- addition of the rent to Bangalore Bank for keeping the car in their possession, etc., that increased the amount to Rs.2,482/-. - Even if the amount of Rs.2,000/- advanced - is taken into account the cost of the car - in its unfinished stage was estimated in -- May 1932 at Rs.1,166/-. Under these ----- circumstances, it is clear that the advance was given to a reputed firm making sure of

Continuation sheet.

materials collected and work done and all possible precautions were taken by the officers of this Department after -- advancing money to see to safeguard the interests of Government and that circumstances beyond the control of the firm and the Department have contributed to the loss.

13. The favour of orders is solicite to write off the amount of Rs.658/- and debit it to the Muzrai Funds. This -- will be provided for in the Revised --- Estimate.

18/11/35

Secretary to Government,
Public Works Department.

Bangalore,
16th November 1935.

T.R.S.

GENL. & REV. SECRETARIAT
5 70
22. NOV. 1935
MUZRAI BRANCH

21 Nov.

2) Ms
19-11-35.

3) Ch Sec's ors for the issue of orders.
Ms.
20/11/35.

4 Genl Secy with compliments
21-11-35.
21/11
22/11

5) The Revised collection 150-31-8 relating to the Govt order dated 4.5.1935 is for the under this order it was finally directed that half of the amount (Rs 1316) of the loss to be reimbursed to the Kalasa Temple should be realised

Serial No.

from the local officers of the P.W.D who have found to have caused avoidable loss in the transaction. It was also directed that the fixing of the responsibility among the said officials and the allocation of the amount amongst them should be done by the chief Engineer and that a report as to the result of action taken in the matter submitted to Government.

6 The chief Engineer as Ex officio in the P.W.D has, in his Note dated 16.11.35 ~~now~~ recommended ~~sanction~~ sanction to write off the amount Rs 6 5 8 ordered to be recovered from the concerned DPW officers and to debit it to Municipal Funds.

7 The question of writing off this amount if not the whole amount has more than once come up to Govt for consideration and the orders passed by them in May 1935 from time to time as may be seen from the Minutes of the Member and the Dewan in paras 84 and 85, and 88 of the Notes in the Misc collection 150-31-8. The Dewan has pleased to minute as follows.

I quite agree with the Member. Orders once passed should not be ~~altered~~ asked to be reconsidered

NOTE—Contn Sheet.

WD 03594—GPB—30,000—18 7 35

Kalasa Mfg Co. - Declaring loss by heavy rainfall in Oct 1935 -

Secret | File No. | of 193 5. | General and Revenue Secretariat

3946

134

8 In the circumstances this is for kind consideration whether the loss Rs 6548 should be by way of reconsideration of the rules already passed, be allowed to be written off instead of being recovered, and the amount debited to the Municipal Funds as now recommended by the Secy. P.W.D.

9 Reference: paras 2 and 3 supra

4/12/35

Gen Secy 10) The matter has been fully considered and disposed of. There is no reason why it should be taken up again.

5 DEC 1935 3944

5/12

5/12

First Member) 11)

Dewan)

8/12

12)

9-12-35

10/12

10/12

Kalva

Serial No.

13/ If approved, the file will be sent to the Chief Engineer confidentially for favour of making the above order, and in covering the file, Subordinate Attention is invited to the note of the Secretary to Govt., P.W.D., dated 18th Nov. 1935.

SECRETARIAT GENERAL 11 DEC. 1935 433

11/12

11/12/35

Gen: Secy) 15 Rec 12/12/35

16 Secy PWD with compliments

W.O.No. 293 13 12 35

17 Government, in their No.1447-9/Muz.150-31-8 dated 4th May 1935, have ordered that Rs.1,316/2, i.e., Rs.658/- be recovered from the local officers of the Public Works Department who are responsible for the loss, and the allocation amongst them is ordered to be fixed by the Chief Engineer.

2. From the records pertaining to the payment of the advance of Rs.2,000/- to the Firm, it is seen that the Executive Engineer Mr.N.Subba Rao has reported in his letter No.579 dated 30th September 1925 thus "If, as the Firm state, advances have been given to them by Government without any security before now, a sum of Rs.2,000/- may be paid to them now also on the responsibility of the Muzrai Department" With

NOTE—Contn Sheet.

WD 03594—GPB—80,000—13-7 35

File No. of 193 . | General and Revenue Secretariat

reference to a letter received direct in the Chief --- Engineer's Office from Chitragar Lakshmiah, the then - Chief Engineer (the late Mr.John Bhore) has ordered -- that, under the circumstances represented by the Firm, they can be paid an advance of Rs.2,000/- on the - - - personal security of the proprietor of the Firm and -- after getting a mutchalika as indicated in the Government Order dated 5th September 1924. Accordingly, -- the Executive Engineer, Kadur Division paid the advance to the Firm.

3. Even after the payment of the advance, the local officers were always watchful and were pressing upon -- the Firm for the early completion of the work. Circumstances beyond their control appear, however, to have - landed the Firm in difficulties. The case has been - fully explained in this office Note No.D.610 dated --- 18th November 1935.

4. As no local officer was responsible for the --- payment of the advance and as the advance was ordered by the late Chief Engineer, responsibility cannot be - fixed on any of the local officers. Under the - - -- circumstances, I request that/the amount of Rs.658/- ordered to be made good by the local officers of the - Public Works Department. [redacted]

20/3/36

Secretary to Government,
Public Works Department.

Gen Secrt.)

M.O.No 459 20/3/36

GENERAL SECRETARIAT 20 MAR 1936

9/3/36

23/3/36

Serial No.

Letter No. [illegible] dated 11.1.1936
from the Hon'ble [illegible]
[illegible]
[illegible]
[

22 In Govt order of the 4th May 1938 it has directed that half of the sum of Rs 1316, being the loss sustained by the Kalasa Temple owing to the irregular grant of advance to the Firm of Messrs Chitragar Lakshmiah & Sons without proper Securities for construction of a new car to the said Temple, should be recovered from the local officers of the Public Works Department responsible for the loss.

23 The chief Engineer and Secy PWD in his note dated 15.11.1938 requested orders of Govt to write off the sum of Rs 658 and to debit it to Municipal Funds. It was ordered by Govt that there was no reason to reconsider the order already passed in the matter after full consideration (Vide paras 10-12 of the notes supra)

24 The file was sent to the Secy to Govt PWD for favour of noting the order of Govt and for return. The Secy PWD has in para 17-(4) supra has now stated that as no local officer was responsible for the payment of the advance and as the advance was

Kalasa Temple ... -F.

Serial No.

ordered by the late chief Engineer (Mr J.B. responsibility can not be fixed on any of the local officers". He has therefore for orders of Govt to write off the amount of Rs 658 ordered to be made good by local officers of the P.W.D. This is for orders.

(para (i) for orders.

25 The comptroller to Government has also in his letter dated 11.1.1936 requested for orders of Govt as to the other half of the amount of the loss sustained by the Temple. In case the chief Engineer's proposal is to considered favorably, the result will be that the whole amount will have to be written off, one half may have to be debited to the Temple funds and the other half to the State (Mysore) Funds. This is for orders.

(para 4(ii) for orders)

A

26 Reference para 15 supra.

27 There is no reason to presume that Govt. is going to write off the amount as suggested in the portion of para 25 of the notes marked A in the margin, in view of the orders contained in G.O. No. 1447-9 Mung. 150-31-5 dated 2nd May 1935 and the Hon'ble Member's orders contained in para 10 of the notes

BJR 3/3

PRS 1.4.'36

WD 03594—GPB—80,000—18-7-35